

## HOUSE BILL NO. 380

INTRODUCED BY D. GALLIK

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE TERRORISM AWARENESS AND PREVENTION ACT; ESTABLISHING A TERRORISM AWARENESS AND PREVENTION PROGRAM; REQUIRING THE ATTORNEY GENERAL TO DESIGN AND IMPLEMENT, WITH THE ASSISTANCE OF LOCAL LAW ENFORCEMENT AND CITIZENS, THE TERRORISM AWARENESS AND PREVENTION PROGRAM; AMENDING SECTION 2-15-501, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Short title.** [Sections 1 through 4] may be cited as the "Terrorism Awareness and Prevention Act".

**NEW SECTION. Section 2. Terrorism awareness and prevention -- purpose.** (1) There is a terrorism awareness and prevention program.

(2) The purpose of the program is to:

(a) help citizens to understand the real threats of terrorism to society and to recognize hoaxes and myths that are designed and perpetrated to diminish citizens' personal sense of security, undermine public confidence, and spread fear;

(b) explain to citizens ways in which individuals or groups of citizens can help to protect lives, property, and communities from terrorism and terrorist threats; and

(c) identify and communicate to citizens common sense actions that citizens can take to enhance individual, neighborhood, and community security.

**NEW SECTION. Section 3. Terrorism awareness and prevention -- program design.** (1) The attorney general, as the chief law enforcement officer of the state, is the point of contact for federal, state, and local law enforcement agencies and citizens to design a terrorism awareness and prevention program.

(2) In designing the program, the attorney general shall, before January 1, 2006:

(a) consult with attorneys general from other states and, to the extent possible, officials from the United

1 States department of homeland security and the United States department of justice and others who are  
2 knowledgeable about terrorism and terrorists to determine the elements of terrorism to which individuals and  
3 communities are most exposed;

4 (b) consult with local law enforcement officials to:

5 (i) communicate about the elements of terrorism that are perceived to be the most threatening and the  
6 elements of terrorism that are, in fact, most threatening;

7 (ii) identify measures that local law enforcement can take to educate citizens about terrorism threats;

8 and

9 (iii) identify measures that local law enforcement or citizens can take to identify terrorism threats and  
10 prevent acts of terrorism;

11 (c) determine the resources and processes necessary to implement an effective terrorism awareness  
12 and prevention program; and

13 (d) synthesize the findings, conclusions, and recommendations into a comprehensive and detailed  
14 design, including an implementation plan and schedule, for the terrorism and prevention program.

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16 **NEW SECTION. Section 4. Terrorism awareness and prevention -- program implementation.** (1)

17 On or before July 1, 2007, the attorney general shall implement and phase in the terrorism awareness and  
18 prevention program. To educate citizens about terrorism awareness and prevention, the attorney general shall:

19 (a) establish a core group of state and local law enforcement officers to implement the program;

20 (b) ensure that the core group of law enforcement officers has been adequately trained;

21 (c) ensure that the core group of law enforcement officers has sufficient time and resources to  
22 effectively carry out the mission; and

23 (d) work with state, local, and community officials and leaders to coordinate efforts to effect the  
24 purposes of the terrorism awareness and prevention program.

25 (2) The attorney general shall also request from the 60th legislature an appropriation that is sufficient  
26 to:

27 (a) maintain the integrity and currency of the terrorism awareness and prevention program; and

28 (b) provide adequate resources, including but not limited to personnel, training, and equipment, to  
29 effectively accomplish the purposes of the terrorism awareness and prevention program.

1           **Section 5.** Section 2-15-501, MCA, is amended to read:

2           **"2-15-501. General duties.** It is the duty of the attorney general:

3           (1) to prosecute or defend all causes in the supreme court in which the state or any officer of the state  
4 in the officer's official capacity is a party or in which the state has an interest;

5           (2) to represent the state in all bankruptcy proceedings in which the state's interest may be affected and  
6 in other debt collection proceedings at the request of a state agency;

7           (3) after judgment in any of the causes referred to in subsections (1) and (2), to direct the issuing of a  
8 process as may be necessary to carry the judgment into execution;

9           (4) to keep a register of all cases prosecuted or defended by the attorney general. The register must  
10 be open to the inspection of the public during business hours. The attorney general shall deliver the register to  
11 the attorney general's successor in office.

12           (5) to exercise supervisory powers over county attorneys in all matters pertaining to the duties of their  
13 offices and from time to time require of them reports as to the condition of public business entrusted to their  
14 charge. The supervisory powers granted to the attorney general by this subsection include the power to order  
15 and direct county attorneys in all matters pertaining to the duties of their office. The county attorney shall, when  
16 ordered or directed by the attorney general, promptly institute and diligently prosecute in the proper court and  
17 in the name of the state of Montana any criminal or civil action or special proceeding.

18           (6) when required by the public service or directed by the governor, to assist the county attorney of any  
19 county in the discharge of the county attorney's duties or to prosecute or defend appropriate cases in which the  
20 state or any officer of the state in the officer's official capacity is a party or in which the state has an interest;

21           (7) to give an opinion in writing, without fee, to the legislature or either house of the legislature, to any  
22 state officer, board, or commission, to any county attorney, to the city attorney of any city or town, or to the board  
23 of county commissioners of any county of the state when required upon any question of law relating to their  
24 respective offices. The attorney general shall give the opinion within 3 months following the date that it is  
25 requested unless the attorney general certifies in writing to the requesting party that the question is of sufficient  
26 complexity to require additional time. If an opinion issued by the attorney general conflicts with an opinion issued  
27 by a city attorney, county attorney, or an attorney employed or retained by any state officer, board, commission,  
28 or department, the attorney general's opinion is controlling unless overruled by a state district court or the  
29 supreme court.

30           (8) to discharge the duties of a member of the board of examiners and state board of land

1 commissioners;

2 (9) to effectively and efficiently design and implement a terrorism awareness and prevention program,  
3 as provided for in [sections 1 through 4]; and

4 ~~(9)~~(10) to perform all other duties as required by law."  
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6 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be  
7 codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply  
8 to [sections 1 through 4].  
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10 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2005.  
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